

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

May 17, 2007

Wayne A. Berube, Trustee,
Liberty Union Trust

Docket No. 2007-011
File No. SE 73-2196
Taunton

RECOMMENDED FINAL DECISION

The petitioner filed a Request for Dismissal in this case indicating that it will no longer pursue the project as conditioned in the Superseding Order of Conditions, but will be filing a new Notice of Intent for a substantially revised proposal. Counsel for MassDEP has assented to the petitioner's withdrawal. The potential intervenor seeks denial of the proposed project, and with a grant of the petitioner's withdrawal, has no proceeding to join. I recommend allowing the petitioner's withdrawal, vacating the Superseding Order of Conditions and dismissing this appeal pursuant to 310 CMR 1.01(6)(e) and 310 CMR 1.01(5)(a)15.f.i.

NOTICE

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the Commissioner for her Final Decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057, TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>



Printed on Recycled Paper

appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's final decision is subject to the rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this Recommended Final Decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Ann Lowery
Presiding Officer

Adopted by Acting Commissioner Arleen O'Donnell May 22, 2007.